



DECISION MEMO

*H30 Adam's Water Association Transmission Line
and Spring Box Special Use Permit Issuance Project*



**USDA Forest Service, Northern Region
Nez Perce-Clearwater National Forests
Salmon River Ranger District
Idaho County, Idaho**

I. Decision

I have decided to approve the H30 Adam's Water Association Transmission Line and Spring Box Special Use Permit Issuance project (hereafter Project) on National Forest System lands on the Salmon River Ranger District located in Township 27 North, Range 3 East, Section 23 (Boise Meridian).

Background

The project area is on the northwest corner of a private inholding that is currently split among ten landowners. The inholding sits immediately west of the Old Adams Ranger Station (T27N R3E Sec 23, 24, 26). The most direct access to the site is from Road #354 west of Slate Creek connecting to Road #221 and then Road #309. The area is used largely for recreational pursuits during the spring summer and fall months. The three proponents for this request have primary residences in other locations.

In 2012, Melissa Gilbert, Rita Herman, and Vickie Sears coordinated to form the H30 Adams Water Association (hereafter referred to as "AWA"), to consolidate their individual special use permit requests into one request. Currently, two of the three parties comprising the AWA have been hauling water from a nearby spring with permission from their neighbor and relative who has a special use permit (Dillon: SAL528701); however, the spring supplying this holder was deemed insufficient by the proponents to provide sufficient water for three additional summer residences. Because the proposed water source is close by, AWA requested approval and pay for a water transmission special use permit. Drilling a well on the private land is not a viable option due to the required road work that would be necessary to access the property with the drill rig.

The AWA submitted a request to install a buried waterline from an unnamed spring that exists on National Forest Lands (immediately northwest of the old Adams Ranger Station) to transport water to private property. Once the water is on private property, it would be held in a catchment container to support three individual recreation private residences. The waterline will be drained in the winter and service the owners for the spring, summer, and early fall months of the year.

Project Implementation

The project is small in scale (< 0.14 acres) and linear in nature. Implementation of the project will be conducted in the dry season to reduce impact to soils, and mechanical equipment will not come within 150 feet of the stream channel. The project does not include harvest of trees.

Proposed improvements include:

- Constructing a spring box made of wood or a piece of culvert to capture the water. Dimensions to be determined and would adhere to standards required by the Forest Service.
- Constructing a 6 ft. x 6 ft. fence around the spring box to keep cattle out of the water source. Materials to be determined, subject to Forest Service approval.
- Installing approximately 380 yards (approx. 1140 ft.) of 1 in. to 2 in. water transmission line (pipe or hose) running from the spring to AWA's private property along an old skid trail (area of disturbance is approximately 6000 sq. ft. = 0.14 acres). Excavated material will be replaced once the waterline is installed.

Because cattle are present at the locale, AWA will bury the water transmission line 8 - 12 in. deep to prevent possible damage to the line. AWA will dig the trench by hand for approximately 50 yards (150 ft.) to decrease impacts in the riparian area near the spring and resulting stream. Once beyond the soft riparian soils, the water line follows an existing skid trail. Mechanized entry on the Forest will be minimal. Due to the rocky nature of the skid trail, AWA will use an excavator with a bucket to dig the remaining 330 yards (approx. 1000 ft.) of trench. The incline of the slope between the starting and ending point of the line is less than 40 ft. change in elevation. No trees would be cut.

The following BMPs for Soil Stabilization will be utilized:

I.9 Timing of Construction and Control Applications

The timing of construction and installation of erosion control measures is of upmost importance. Construction should be undertaken during periods when the potential for erosion is at the lowest, i.e. during periods of low seasonal precipitation and runoff. Under all conditions, erosion control measures should be installed in stages to protect work already completed. In highly erodible areas, sediment control measures should be installed before general construction activities commence.

I.10 Limited Surface Disturbance

The amount of disturbed land should be kept to a minimum. This will reduce the amount of bare soil exposed to erosion and help control run-off sedimentation. Concurrent reclamation should be carried out as work progresses to help minimize the amount of disturbed soil.

The AWA plans to implement the project in 2017. The project will be implemented in the dry season to reduce impact to soils and mechanical equipment would not come within 150 ft. of the stream channel. Installation of the water line will take less than one month.

II. Rationale for Decision and Reasons for Categorically Excluding the Decision

Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e) (3): *Approval of a minor special use of National Forest Service lands that requires less than 5 contiguous acres.*

Finding of No Extraordinary Circumstances

In compliance with 36 CFR 220.6, the following resource conditions were considered in determining whether extraordinary circumstances exist to resource conditions that could result in significant effects to the environment. Based on the findings for resource conditions described below, I have determined that no extraordinary circumstances are associated with my decision.

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

The Forest Interdisciplinary (ID) Team Botanist determined the project would have “no effect” to federally listed plant species and/or their habitats, and that the project would have “no impacts” to R1 Sensitive species or their habitats. There is no suitable habitat or occurrences for any plant species of concern at this project area.

The ID Team Wildlife Biologist determined the project would be “not likely to adversely affect” Canada lynx or its habitat. Potential effects would be from disturbance of individuals that may be present in the project area during implementation; however, any disturbance would be temporary. The biologist determined the project would “not jeopardize” North American wolverine or its habitat. A “may adversely impact individuals or habitat” determination was made for flammulated owl, pygmy nuthatch, white-headed woodpecker, fisher, fringed, long-eared and long-legged myotis, gray wolf, and Western (boreal) toad. Overall, effects would be minor, of short duration, and would not result in a loss of species viability in the planning area, nor cause a trend towards federal listing or a loss of species viability range wide. Effects to Western (boreal) toad may include mortality of adults and/or young, and altering breeding habitat. However, numerous breeding habitat are within the approximate 2,500 meter dispersal distance of toads from the project location. As a result the project would not result in a loss of Western toad population viability across the forest nor cause a trend towards federal listing.

The ID Team Fish Biologist determined the proposed actions would have “no effect” on bull trout, steelhead trout, and fall chinook salmon, federally threatened species, because the species and designated critical habitat do not occur within the project area. The fish biologist also determined the proposed actions would have “no impact” on R1 Sensitive species or their habitats since the species do not occur within the project area.

Based on the above assessment, no effects exist that will cause an incremental cumulative effect and no extraordinary circumstances were identified for these resources. For the complete analyses, see the Botany, Wildlife and Fishery Biological Assessments and Evaluations and specialists' reports in the project record.

2. Floodplains, wetlands, or municipal watersheds.

Floodplains, wetlands and designated municipal watersheds are present in the project area; however, no direct, indirect or cumulative significant adverse effects to these resource are expected for this project. Any cumulative effects would be most noticeable at the site scale (if they occur), becoming progressively less discernible at the sub-watershed, watershed, and sub-basin scales. Given the low degree of anticipated site-level effects, cumulative effects are expected to be negligible.

The proposed project is consistent with all applicable State and Federal water quality laws for water resources. The activities are also consistent with soil and water standards in the Clearwater National Forest Plan, including the PACFISH amendment.

Based on this analysis, no extraordinary circumstances were identified regarding the effects to water quality of streams within the area; downstream waters; or resources in floodplains, wetlands, and municipal watersheds; thereby complying with EO 11988, EO 11990, and FSH 1909.15 Chapter 31.2.2.

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas.

The project is not located in designated wilderness, a wilderness study area or Wild and Scenic River corridor; therefore, no extraordinary circumstances were identified to these resources.

4. Inventoried roadless areas or potential wilderness areas.

The project is not located within any Roadless Areas or potential wilderness areas, and therefore, no extraordinary circumstances were identified to these resources.

5. Research Natural Areas.

The project area does not include land designated as a Research Natural Area, and therefore, no extraordinary circumstances were identified to these resources.

6. American Indians and Alaska native religious or cultural sites.

Because of the type, location or nature of the undertaking, the Forest Cultural Resource Specialist has determined the above project has little likelihood to adversely affect historic properties. As a result, a *No Inventory Decision* has been made. Therefore, no extraordinary circumstances were identified to native religious or cultural sites.

7. Archaeological sites, or historical properties or areas.

The Idaho State Historic Preservation Officer, or the Forest Archaeologist via the use of the North Idaho Programmatic Agreement, has determined that no archaeological or historic property will be adversely affected by this project. Therefore, no extraordinary circumstances were identified to these resources.

III. Interested and Affected Agencies, Organizations, and Persons Contacted

On May 1, 2013, a letter providing information and seeking public comment was mailed to individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d'Alene Tribes. Three letters regarding this project were received during the public comment period and are addressed in Appendix A.

IV. Findings Required by Other Laws

Based on my review of the actions associated with this project, I find that this project is consistent with applicable Federal laws and regulations.

National Forest Management Act and Nez Perce National Forest Plan: These actions are consistent with the Nez Perce National Forest Plan (USDA Forest Service 1987, as amended,) as required by the National Forest Management Act of 1976 because they follow the standards and guidelines contained in those plans.

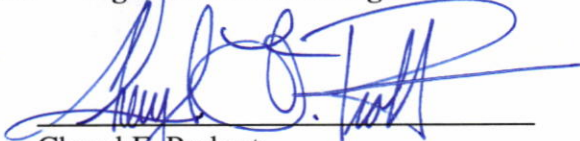
National Historic Preservation Act: A cultural resource records search has been conducted for this project. Based on the project description a "*No Inventory Decision*" has been made for this project per stipulation V (A) of the North Idaho Cultural Resource Programmatic Agreement. Therefore, this project meets the agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

American Indian Treaty Rights: The Nez Perce and Coeur d'Alene Tribal staffs have had the opportunity to review the project for impacts to Nez Perce and Coeur d'Alene Tribes' Treaty rights or Nez Perce and Coeur d'Alene Tribal members' abilities to exercise those rights. The Nez Perce and Coeur d'Alene Tribes did not identify any concerns.

V. Contact Person

Questions regarding this decision should be sent to Jeff Chynoweth, Small NEPA Team Coordinator, c/o Nez Perce-Clearwater Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536 or by telephone to (208) 935-4260 or FAX at (208) 935-4275 during business hours (M-F, excluding Federal holidays, 7:30 a.m. to 4:30 p.m., PST).

VI. Signature of Deciding Officer

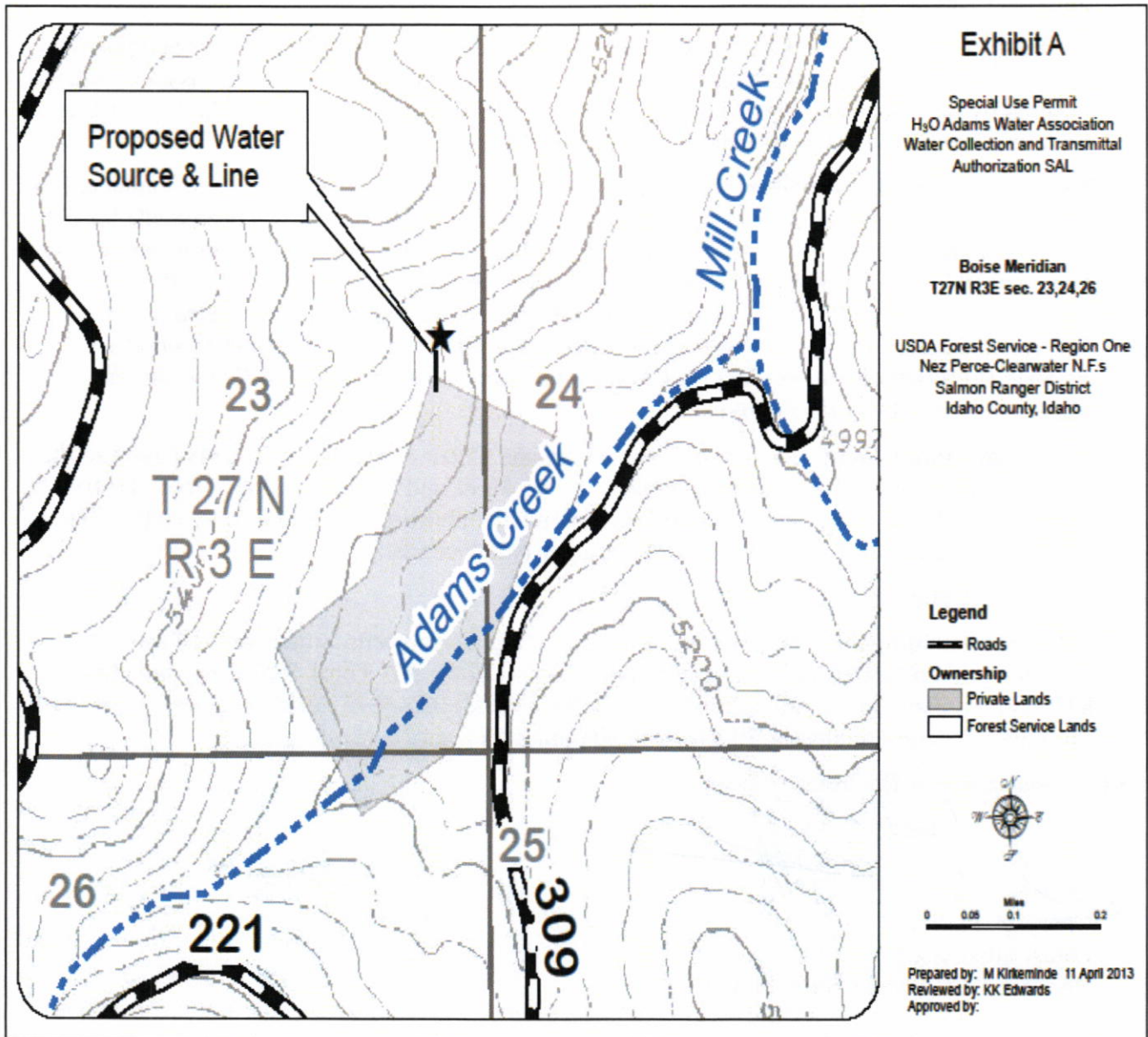


Cheryl F. Probert
Forest Supervisor
Nez Perce-Clearwater National Forests

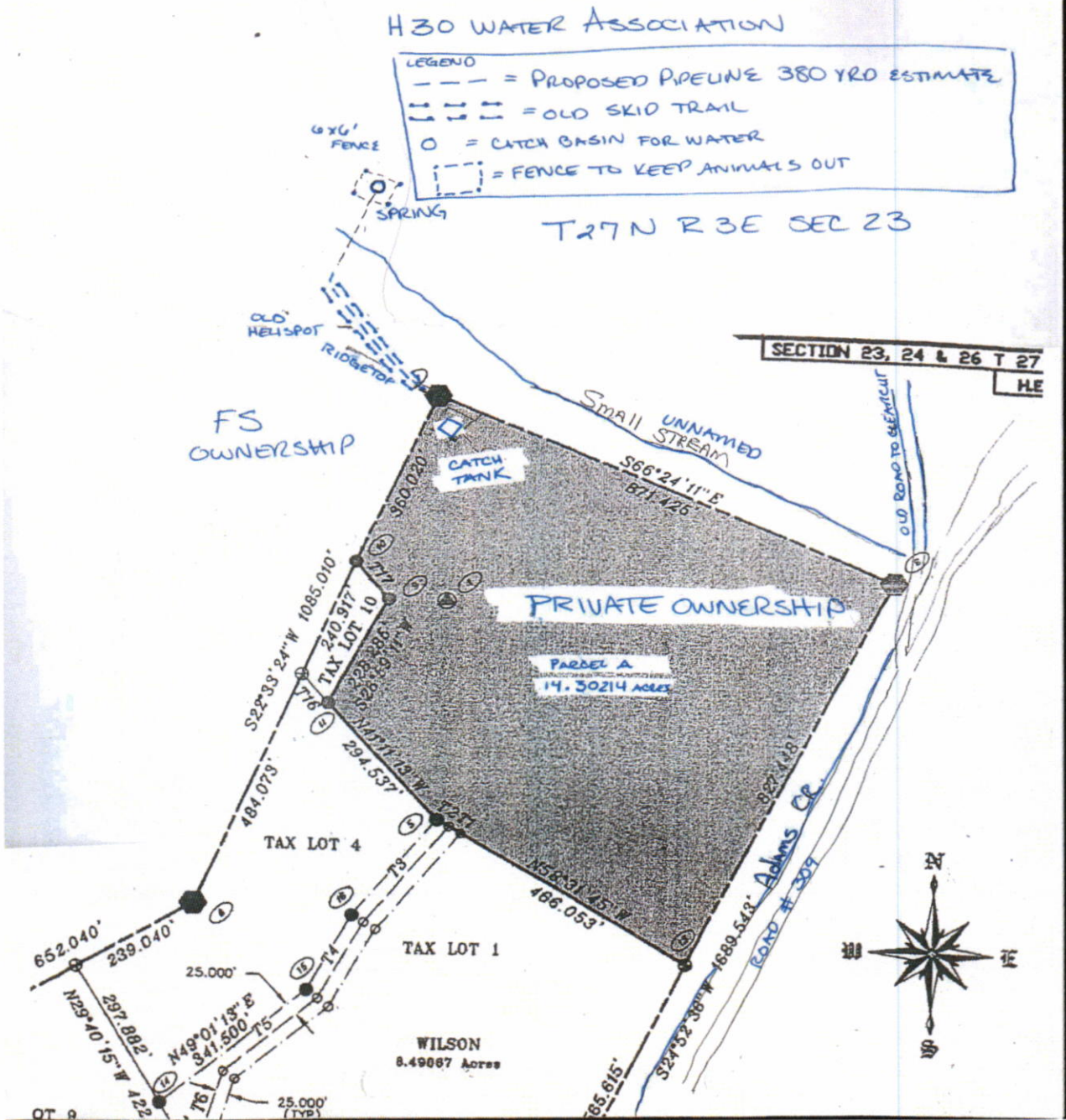
1-20-17
Date

cc: Scott Godfrey, Joe Holzinger
Enclosures (2): Maps

Map 1 of the H30 Adam's Special Use Permit Issuance Project



Map 2 of the H30 Adam's Special Use Permit Issuance Project



Appendix A

Analysis of Scoping Comments

H30 Adam's Water Association Transmission Line and Spring Box Special Use Permit Issuance Project

Three letters specific to the project were received during the scoping period of May 1, 2013 to May 31, 2013. The letters were analyzed and an analysis code assigned to the comments (see Table 1).

Comment Analysis Codes

- 1: Outside the scope of the proposed action.
- 2: Already decided by law, regulation, Forest Plan, or other higher level of decision.
- 3: Irrelevant to the decision to be made.
- 4: Conjectural and not supported by scientific evidence.
- 5: General comment, suggestion, opinion, or position statement.
- 6: Other agency or partner's consultation, review, advice, recommendation(s), etc.
- 7: Already considered in the proposed action or is standard procedure.
- 8: Will be included in an analysis of effects to the environment.

Codes 1 – 6 are standard codes. Comments assigned to these codes are considered to be non-significant issues. Code 7 was added as a category for those suggestions that are already proposed or for procedures that are routinely done. Code 8 was added as a category for suggestions that will be analyzed for effects to the environment.

Table 1: Comment Analysis

Commenter	Comment	Disposition
Gary Mcfarlane Friends of the Clearwater	Since a private well could be drilled on private land that is more appropriate than...a special use of the national forest.	Drilling the well on private land was not considered a viable option due to the road work necessary to access the property with the drill rig.
Jonathan Oppenheimer, Idaho Conservation League	...incorporate best management practices [BMPs], to limit impacts to streams, wetlands or water...and to minimize negative impacts to soils...other public resources.	BMPs for soil stabilization include design measures to minimize impacts to soils and control/reduce erosion.
	Analysis must consider the effects of any connected actions.	There are no other actions associated with the project.
Daniel Stewart Idaho Dept. of Env. Quality	Project activities may affect the NP-CW NF's ability to achieve flow based on pollutant allocation reduction associated with Forest land or management activities.	3
	Projects initiated after the establishment of TMDL pollutant load allocations can adversely affect water quality through a reduction in load capacity.	3